

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
March 12, 2013**

**PI 13-04**

**TO:** Directors, County Social Service Boards  
Division of Juvenile Services

**FROM:** Dean Sturn, Administrator, Foster Care Program

**SUBJECT:** 18+ Continued Care Agreements & Court Orders, 624-05-23  
Voluntary Placement Agreement, 623-05-15-65

**PROGRAMS:** Foster Care  
624-05-23 – 18+ Continued Agreements & Court Orders  
623-05-15-65 – Voluntary Placement Agreement

**EFFECTIVE:** **Immediately**

**RETENTION:** Until Manualized

Children & Family Services recently reviewed the 18+ Continued Care cases in FRAME. Several errors related to FRAME **Agreement** options were discovered during this process. CFS will be contacting custodians in cases that are questionable in an attempt to correct errors; i.e. duplicate agreements, Voluntary Placement Agreements selected in error, etc.

There are currently two options available in the “**Agreement**” drop down box in FRAME.

1. Voluntary Placement Agreement: (MC 623-05-15-65)

The voluntary placement agreement is an agreement between parents and the agency, with the approval of the regional supervisor, for up to 45 days of placement. This option is available for youth under the age of 18 whereby a court order is not obtained. This agreement is rarely used as the State cannot participate in payment. Payment is the sole responsibility of the county that enters into the voluntary agreement. Due to the minimal usage and the fact that payments are not generated through the CCWIPS system, these children should not be entered into FRAME. CFS will be removing this option from FRAME.

2. 18+ Continued Care Agreement: (MC 624-05-23)

The 18+ Continued Care Agreement is a three party agreement willfully entered into between the agency, the child, and the foster care provider. This option is used for any youth *turning 18 that wishes to continue in foster care and whose custody order expires, or a child over the age of 18 that wishes to return to foster care within 6 months of discharge.* When the child turns 18 and continues in foster care, the 18+ Agreement does not start a new foster care episode – it is simply a continuance of the current foster care episode because the child never left care. If the child returns to care, the 18+ Agreement will initiate a new foster care episode.

At times, custodians will receive custody extending beyond the child's 18<sup>th</sup> birthday. In this instance, the custody order will remain in effect and regular foster care will continue. **An 18+ Continued Care Agreement is not necessary if a custody order is in effect.**

Multiple Agreements:

When the 'effective date' of the 18+ Agreement is entered into FRAME, the duration start and end dates are automatically populated. The end date reflects the day prior to the child's 21<sup>st</sup> birthday. When an 18+ Agreement is no longer valid, it is necessary for the case manager to "edit" the end date to accurately reflect the date that the 18+ Agreement ended with that specific provider. This will eliminate "multiple" effective agreements in FRAME.

## **COURT ORDERS**

18+ Court Order Requirements:

A court order *must be* obtained within 90 days of the effective date of the 18+ Continued Care Agreement whenever a foster child continues in foster care or returns to foster care. The 18+ Continued Care Agreement acts as a 'bridge' until an 18+ Court Order is received, or an 18+ Court Order/Permanency hearing is held.

The following "Court Order" options are available in FRAME:

- **18+ Court Order**
- Dispositional Order
- Division of Juvenile Services
- Permanency Hearing Order
- **18+ Court Order/Permanency**
- Removal/TCO/Shelter Care
- TPR

The only court order options to use in the 18+ program are indicated above as bold and underlined. The 18+ Court Order is entered in cases where a permanency hearing was not held and permanency findings are not part of the court order. Generally, this is

selected in situations where a court order was obtained for youth returning to foster care. This court order can be obtained through a paper process.

If the court order is the result of an actual hearing that addressed the child's permanency plan, please choose the 18+ Court Order/Permanency option.

**Permanency hearing requirements apply to all children who have turned 18 and continue in foster care, or return to foster care.** A child that continues in foster care requires permanency findings within 12 months of their removal and every 12 months thereafter. A child returning to foster care will require permanency findings 12 months from the effective date of the 18+ Continued Care Agreement, **not** the effective date of the new court order.

**EXAMPLE:**

A child entered foster care on 3/1/11, when the child was age 17. A permanency hearing is required no later than 3/1/12. If that child turns age 18 on 2/1/12 and an 18+ Court Order is obtained with an expiration date of 2/1/13, the permanency hearing is still required on 3/1/12.

In the above example, it is strongly suggested that an 18+ permanency hearing be held in situations where a child continues in foster care to ensure that the requisite 12 month permanency finding requirement is not missed.

Please review your current 18+ Continued Care cases to ensure the appropriate court order is in FRAME. If not, the edit function is available to make corrections.

FRAME issues:

At this time, there is a FRAME issue requiring an 18+ Agreement for all 18 year olds, regardless of custody. This is a system error. This is being corrected and should be remedied shortly. Thank you for your patience.

Questions related to FRAME should be directed to the FRAME/CCWIPS Help Desk at 1-877-328-4470. Thanks.